

Report Date: October 12, 2006

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

FILED IN THE
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

OCT 13 2006

JAMES R. LARSEN, CLERK
DEPUTY
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Name of Offender: Nghiem Pham

Case Number: 2:04CR00073-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, U.S. District Judge

Date of Original Sentence: 9/26/2005

Type of Supervision: Probation

Original Offense: Conspiracy to Import More Than
100 Kilograms of Marijuana , 21 U.S.C. § 952,
960(b)(2)(G) and 963

Date Supervision Commenced: 9/26/2005

Original Sentence: Probation - 60 Months

Date Supervision Expires: 9/25/2010

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 19 You shall participate in the home confinement program for 30 days. You shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay. You are restricted to your residence at all times except for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising probation officer.

CAUSE

On September 2, 2006, the defendant violated his terms of probation by leaving the Western District of Washington without permission of the Court or probation office. The defendant reported being involved in an automobile accident on Interstate 5 and later indicated that this accident occurred in the Eastern District of Washington. The state patrol reportedly arrived at the scene of the accident, but did not cite the offender with a driving offense. The defendant has otherwise complied fully with all other conditions of probation.

On September 21, 2006, the defendant signed a Waiver of Hearing to Modify Conditions of Probation allowing for his voluntary participation in a home confinement program with electronic monitoring for a period of 30 days. The defendant also agrees to pay the costs associated with this program.

Prob 12B

Re: Pham, Nghiem

October 12, 2006

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Respectfully submitted,

by

Tommy Rosser

Tommy Rosser

U.S. Probation Officer

Date: October 12, 2006

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

October 13, 2006

Date

PROB 49
(5/97)

United States District Court

WESTERN District of Washington

Docket Number: CR04-00073

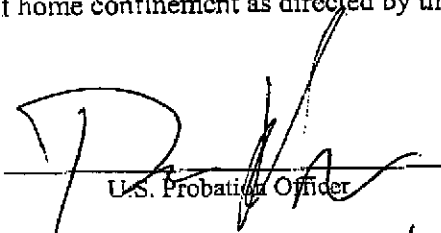
Waiver of Hearing to Modify Conditions of Supervised Release

I, NGHIEM XUAN PHAM, have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

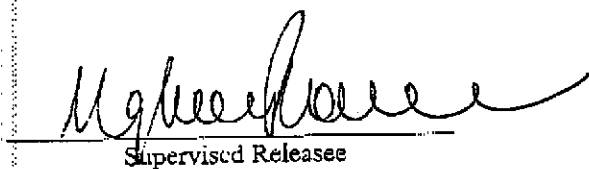
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

That I shall participate in the home confinement program which shall include electronic monitoring as directed by the probation office for a period of 30 days. That I shall pay the cost of home confinement as directed by the U.S. Probation Officer.

Witness:


U.S. Probation Officer

Signed:


Supervised Releasee

9/21/06

Date